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2008 ANNUAL REPORT **Page 1**

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GENERAL INFORMATION

Permitte Name	**Hiawatha Coal Company**
Mine Name	**Hiawatha Complex**
Operator Name (If other then permittee)	
Permit Expiration Date	March 14, 2012
Permit Number	C/007/0011
Authorized Representative Title	Elliot Finley, President
Phone Number	(435) 637-1778
Fax Number	(435) 637-1378
E-mail Address	efinley@efinley.com
Mailing Address	P.O. Box 1202, Huntington, Utah 84528
Designated Representative	
Resident Agent	Elliot Finely, President
Resident Agent Mailing Address	Same as above.
Number of Binders Submitted	

IDENTIFICATION OF OTHER PERMITS

Identify other permits that are required in conjunction with mining and reclamation activities.

Permit Type	ID Number	Description	Expiration Date
MSHA Mine ID(s)	42-12157	King Mines	N/A
MSHA Impoundment(s)	01	Slurry Impoundment #1	N/A
	03	Slurry Impoundment #5	N/A
NPDES/UPDES Permit(s)	UT0030942	UPDES, Minor Industrial	September 3, 2009
PSD Permit(s) (Air)	DAQE-50289-00	Issued October 29, 1999	N/A
Refuse Piles	04	Refuse Pile No. 1	N/A
Other			

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File in:
- ☐ Confidential
- ☐ Shelf
- ☒ Expandable

Refer to Record No 0049 Date 12/24/2009
In C/007/0011, 2009, Incoming
For additional information

CERTIFIED REPORTS

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

Certified Reports:	Required Yes	Required No	Included or Included	DOGM file location Vol, Chapter, Page	Comments
Excess Spoil Piles					
Refuse Piles					
Impoundments					
Other					

COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year.

REPORTING OF OTHER TECHNICAL DATA

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as Appendix B to this report or currently on file with the Division.

*Reminder: If equipment has been abandoned during 2008, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

Change in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is Requesting that each permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as Appendix C to the report.

Legal / Financial Update	Required Yes	Required No	Included or Included	DOGM File location Vol, Chapter, Page	Comments
Department of Commerce, Annual Report Officers	X		X		
Other					

COPY

MINE MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2007, are to be provided to the Division as Appendix D to this report in accordance with the requirements of R 645-301-525.240. These map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Upon request, the Division shall keep mine maps confidential. Please provide a CD.

Map Number(s)	Map Title/ Description	Confidential Yes	Confidential No
Annual subsidence map			

OTHER INFORMATION

Please provide any comments of further information to be included as part of the Annual Report. Any other attachments are to be provided as Appendix E to this report. If information is submitted as a group rather then by individual mine, please identify each of the mine's data in the list below.

Additional attachment to this report? **Yes** **No**

APPENDIX A

Certified Reports

Excess Spoil Piles
Refuse Piles
Impoundments

As required under R645-301-514

CONTENTS

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		D003	Page 1 of 2
Permit Number	ACT\007\011	Report Date	5/16/08
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	Upper Rail Yard	
	Impoundment Number	D003	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	

IMPOUNDMENT INSPECTION

Inspection Date	5/16/08
Inspected By	Mark Reynolds
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual/Quarterly

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

The pond banks showed no signs of instability or hazardous conditions.

Required for an impoundment which functions as a SEDIMENTATION POND.

2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.

Sediment storage capacity = 0.60 ac-ft
60% cleanout elevation = 7,211.5
100% sediment storage elevation = 7,212.7
Existing sediment elevation = 7,207.7 (Average)

3. Principle and emergency spillway elevations.

Principle spillway elevation = 7,214.5
Emergency spillway elevation = 7,217.7

4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outslopes of embankments, etc.

The inlet and outlets appear in good condition. No discharges were reported or occurred during 2008.

5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

The existing sediment volume is 0.15 ac-ft. The existing storage capacity is 2.28 ac-ft, which is greater than the 0.76 ac-ft required.

Qualification Statement

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature: Mark Reynolds **Date:** 5-16-08

CERTIFIED REPORT

IMPOUNDMENT EVALUATION (If NO, explain under Comments)	YES	NO

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT	D003	Page 1 of 2	
1. Is impoundment designed and constructed in accordance with the approved plan?		X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?		X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?		X	

COMMENTS AND OTHER INFORMATION

The pond appears to be functioning normally and has adequate storage. No measurable difference in sediment level in 2008.

Certification Statement:

[PE Cert. Stamp]

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By:

(Full Name and Title)

Signature: _____ **Date:** 5-16-08

P.E. Number & State:

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		D004	Page 1 of 2
Permit Number	ACT\007\011	**Report Date**	5/16/08
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	**Impoundment Name**	Sed. Pond N. of Slurry pond #1	
	Impoundment Number	D004	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	

IMPOUNDMENT INSPECTION

Inspection Date	5/16/08
Inspected By	Mark Reynolds
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

The pond banks showed no signs of instability or hazardous conditions.

Required for an impoundment which functions as a SEDIMENTATION POND.

2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.

Sediment storage capacity = 0.48 ac-ft
60% cleanout elevation = 7,087.8
100% sediment storage elevation = 7,089.1
Existing sediment elevation = 7,085.0

3. Principle and emergency spillway elevations.

Principle spillway elevation = 7,089.3
Emergency spillway elevation = 7,093.5

4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outslopes of embankments, etc.

The inlet and outlets appear in good condition. No discharges were reported or occurred during 2008. Pond slopes are well vegetated.

5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

The existing sediment volume is 0.03 ac-ft. The existing storage capacity is 1.51 ac-ft, which is greater than the 0.54 ac-ft required.

Qualification Statement

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature: Mark Reynolds **Date:** 5-16-08

CERTIFIED REPORT

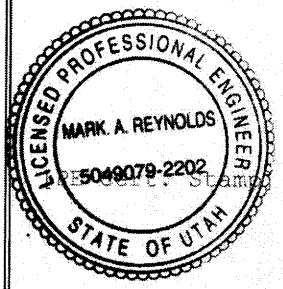
IMPOUNDMENT EVALUATION (If NO, explain under Comments)	YES	NO

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT	D004	Page 1 of 2	
1. Is impoundment designed and constructed in accordance with the approved plan?		X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?		X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?		X	

COMMENTS AND OTHER INFORMATION

Sediment has not increased significantly during 2008.

Certification Statement:



I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By:
(Full Name and Title)

Signature: Mark Reynolds Date: 5-16-08

P.E. Number & State:

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		D006	Page 1 of 2
Permit Number	ACT\007\011	**Report Date**	5/16/08
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	**Impoundment Name**	Sed. Pond NE. of Slurry pond #5	
	Impoundment Number	D006	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	

IMPOUNDMENT INSPECTION

Inspection Date	5/16/08
Inspected By	Mark Reynolds
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

The pond's bank showed no signs of instability or hazardous conditions.

Required for an impoundment which functions as a SEDIMENTATION POND.

2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.

Sediment storage capacity = 1.21 ac-ft
60% cleanout elevation = 6,990.0
100% sediment storage elevation = 6,991.1
Existing sediment elevation = 6,987.4

3. Principle and emergency spillway elevations.

Principle spillway elevation = 6,993.1
Emergency spillway elevation = 6,994.5

4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outslopes of embankments, etc.

The pond is under 12" of snow, with no water. The inlet and outlets appear in good condition. No discharges were reported or occurred during 2008.

5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

The pond currently contains 0.04 sediment. The existing storage capacity is 2.96 ac-ft, which is greater than the 1.32 ac-ft required.

Qualification Statement

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature: Mark Reynolds **Date:** 5-16-08

CERTIFIED REPORT

IMPOUNDMENT EVALUATION (If NO, explain under Comments)	YES	NO

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT	D006	Page 1 of 2	
1. Is impoundment designed and constructed in accordance with the approved plan?		X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?		X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?		X	

COMMENTS AND OTHER INFORMATION

The sediment level has not changed measurably in 2008. The pond is in good functioning order.

Certification Statement:	I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.
[PE Cert. Stamp]	**By:** (Full Name and Title) **Signature:** Mark Reynolds **Date:** 5-16-08 **P.E. Number & State:**

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		D007	Page 1 of 2
Permit Number	ACT\007\011	**Report Date**	5/16/08
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	**Impoundment Name**	Sed. Pond SE. of Slurry pond #5	
	Impoundment Number	D007	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	

IMPOUNDMENT INSPECTION

Inspection Date	5/16/08
Inspected By	Mark Reynolds
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

The pond bank showed no signs of instability or hazardous conditions.

Required for an impoundment which functions as a SEDIMENTATION POND.

2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.

Sediment storage capacity = 0.68 ac-ft
60% cleanout elevation = 6,990.9
100% sediment storage elevation = 6,992.2
Existing sediment elevation = 6,986.7

3. Principle and emergency spillway elevations.

Principle spillway elevation = 6,992.5
Emergency spillway elevation = 6,998.0

4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outslopes of embankments, etc.

The pond is under snow. The inlet and outlets appear in good condition. No discharges were reported or occurred during 2008.

Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

The pond currently contains 0.18 sediment. The existing storage capacity is 2.39 ac-ft, which is greater than the 0.74 ac-ft required.

Qualification Statement

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature: Mark Reynolds **Date:** 5-16-08

CERTIFIED REPORT

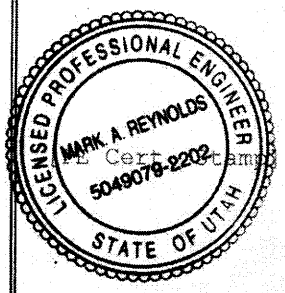
IMPOUNDMENT EVALUATION (If NO, explain under Comments)	YES	NO

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT	D007	Page 1 of 2	
1. Is impoundment designed and constructed in accordance with the approved plan?		X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?		X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?		X	

COMMENTS AND OTHER INFORMATION

The pond appears to be functioning normally and has adequate storage.

Certification Statement:



I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By:
(Full Name and Title)

Signature: Mark Reynolds Date: 5-16-08

P.E. Number & State:

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		D008	Page 1 of 2
Permit Number	ACT\007\011	Report Date	5/16/08
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	Middle Fork Pond	
	Impoundment Number	D008	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	

IMPOUNDMENT INSPECTION

Inspection Date	5/16/08
Inspected By	Mark Reynolds
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

The pond banks showed no signs of instability or hazardous conditions.

Required for an impoundment which functions as a SEDIMENTATION POND.

2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.

Sediment storage capacity = 0.48 ac-ft
60% cleanout elevation = 8,034.8
100% sediment storage elevation = 8,036.1
Existing sediment elevation = 8,031.6

3. Principle and emergency spillway elevations.

Principle spillway elevation = 8,042.0
Emergency spillway elevation = 8,045.5

4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outslopes of embankments, etc.

The inlet and outlets appear in good condition. No discharges were reported or occurred during 2008.

5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

The pond currently contains 0.00 ac-ft of sediment. The existing storage capacity is 3.16 ac-ft, which is greater than the 0.92 ac-ft required.

Qualification Statement

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature: Mark Reynolds **Date:** 5-16

CERTIFIED REPORT

IMPOUNDMENT EVALUATION (If NO, explain under Comments)	YES	NO

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT	D008	Page 1 of 2	
1. Is impoundment designed and constructed in accordance with the approved plan?		X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?		X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?		X	

COMMENTS AND OTHER INFORMATION

Sediment level did not change measurably in 2008.

Certification Statement:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

LICENSED PROFESSIONAL ENGINEER
MARK A. REYNOLDS
[PE Cert. Stamp]
5049079-2202
STATE OF UTAH

By:
(Full Name and Title)

Signature: Mark Reynolds Date: 5-16-08

P.E. Number & State:

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		D009	Page 1 of 2
Permit Number	ACT\007\011	**Report Date**	5/16/08
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	**Impoundment Name**	South Fork Mine Yard	
	Impoundment Number	D009	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	

IMPOUNDMENT INSPECTION

Inspection Date	5/16/08
Inspected By	Mark Reynolds
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

The pond banks showed no signs of instability or hazardous conditions.

Required for an impoundment which functions as a SEDIMENTATION POND.

2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.

Sediment storage capacity = 0.76 ac-ft
60% cleanout elevation = 7,902.2
100% sediment storage elevation =7,903.5
Existing sediment elevation = 7,901.9

3. Principle and emergency spillway elevations.

Principle spillway elevation = 7,903.5
Emergency spillway elevation = 7,910.6

4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outslopes of embankments, etc.

The inlet and outlets appear in good condition. No discharges were reported or occurred during 2008.

5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

The pond currently contains 0.51 acre-ft of sediment. The existing storage capacity is 3.38 ac-ft, which is greater than the 2.99 ac-ft required.

Qualification Statement

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature: Mark Reynolds **Date:** 5-16-08

CERTIFIED REPORT

IMPOUNDMENT EVALUATION (If NO, explain under Comments)	YES	NO
1. Is impoundment designed and constructed in accordance with the approved plan?	X	

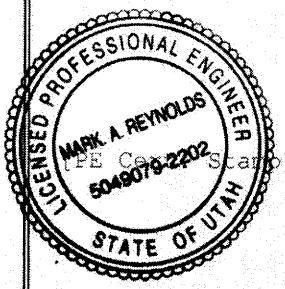
IMPOUNDMENT INSPECTION AND CERTIFIED REPORT	D009	Page 1 of 2	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?		X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?		X	

COMMENTS AND OTHER INFORMATION

Sediment level did not change measurably in 2008.

Certification Statement:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.



[PE Certification Stamp]

By: (Full Name and Title)

Signature: Mark Reynolds **Date:** 5-16-08

P.E. Number & State:

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		D011	Page 1 of 2
Permit Number	ACT\007\011	Report Date	5/16/08
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	South Fork Truck Loading Facility	
	Impoundment Number	D011	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	

IMPOUNDMENT INSPECTION

Inspection Date	5/16/08
Inspected By	Mark Reynolds
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual

1. **Describe any appearance of any instability, structural weakness, or any other hazardous condition.**

The pond banks showed no signs of instability or hazardous conditions.

Required for an impoundment which functions as a SEDIMENTATION POND.

2. **Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.**

Sediment storage capacity = 0.47 ac-ft
60% cleanout elevation = 7,712.3
100% sediment storage elevation = 7,714
Existing sediment elevation = 7,710.8

3. **Principle and emergency spillway elevations.**

Principle spillway elevation = 7,713
Emergency spillway elevation = 7,718.7

4. **Field Information.** Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outslopes of embankments, etc.

The inlet and outlets appear in good condition. No discharges were reported or occurred during 2008.

5. **Field Evaluation.** Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

The pond currently contains 0.17 ac-ft of sediment. The existing storage capacity is 0.67 ac-ft, which is greater than the 0.31 ac-ft required.

Qualification Statement

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature: Mark Reynolds **Date:** 5-16-08

CERTIFIED REPORT

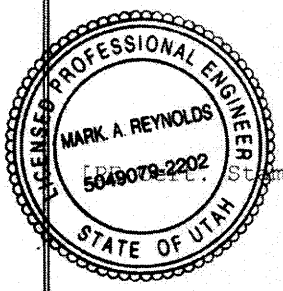
IMPOUNDMENT EVALUATION (If NO, explain under Comments)	YES	NO

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT	D011	Page 1 of 2	
1. Is impoundment designed and constructed in accordance with the approved plan?		X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?		X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?		X	

COMMENTS AND OTHER INFORMATION

No measurable change in sediment level in 2008.

Certification Statement:



[Re[illegible]rt. Stamp]

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By:
(Full Name and Title)

Signature: Mark Reynolds **Date:** 5-16-08

P.E. Number & State:

INSPECTION AND CERTIFIED REPORT
ON EXCESS SPOIL PILE OR REFUSE PILE

1

Permit Number	ACT/007/011	**Report Date**	5/16/08
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Excess Spoil Pile or Refuse Pile Identification	**Pile Name**	Refuse Pile No. 1	
	Pile Number	1	
	MSHA ID Number	1211-UT-09-02157-04	
Inspection Date	5/16/08		
Inspected By	Mark Reynolds		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual		
	Attachments to Report?	**X** No	☐ Yes

Field Evaluation

1. **Foundation preparation, including the removal of all organic material and topsoil.**

N/A.

2. **Placement of underdrains and protective filter systems.**

N/A

3. **Installation of final surface drainage systems.**

N/A

4. **Placement and compaction of fill materials.**

Material was added to the pile from the Bear Canyon #4 Mine Rock Tunnels.

5. **Final grading and revegetation of fill.**

N/A

INSPECTION AND CERTIFIED REPORT ON EXCESS SPOIL PILE OR REFUSE PILE	1	Page 1 of 2

6. Appearances of instability, structural weakness, and other hazardous conditions.

No signs of embankment instability were observed. No fires have occurred.

7. Other Comments. Describe any changes in the geometry of the Excess Spoil/Refuse Pile structure, instrumentation, average and maximum lifts of materials placed in the pile, elevations of active benches, total and remaining storage capacity of the structure, evidence of fires in the pile and abatement of such fires, volumes of materials placed in the structure during the year, and any other aspect of the structure affecting its stability or function which has occurred during the reporting period.

No changes have been made to the configuration of the pile other then a minor increase in the top elevation.

Certification Statement

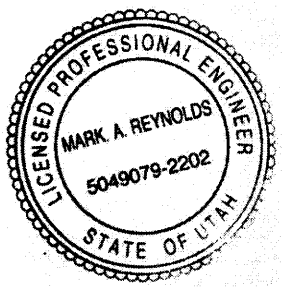
I hereby certify that; I am experienced in the construction of earth and rock fills; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of earth and rock fills in accordance with the certified and approved designs for this structure; that the fill structure has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

[Cert. Stamp]

By: M Mark Reynolds
(Full Name and Title)

Signature: Mark Reynolds Date: 5-16-08

P.E. Number & State:



IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		N/A	Page 1 of 2
Permit Number	ACT\007\011	**Report Date**	05/13/08
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	**Impoundment Name**	Slurry Impoundment No. 5	
	Impoundment Number	N/A	
	UPDES Permit Number	N/A	
	MSHA ID Number	1211-UT-09-00098-03	

IMPOUNDMENT INSPECTION

Inspection Date	05/13/08
Inspected By	Mark Reynolds
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

Reclmation of the main cell was completed in 2001. No slurry was added to or removed from the North Cell during 2008. No structural changes have been made to the outside embankment.

Required for an impoundment which functions as a SEDIMENTATION POND.

2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.

The current elevation of the slurry sediment is 7,055.

3. Principle and emergency spillway elevations.

N/A

4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outslopes of embankments, etc.

N/A

5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

The top of the outside embankment remains at elevation 7,068. The coal fines remain at elevation 7,055. There are no signs of instability and no fires have occurred.

Qualification Statement

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

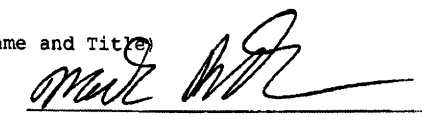
Signature: Mark Reynolds **Date:** 5-13-08

CERTIFIED REPORT

IMPOUNDMENT EVALUATION (If NO, explain under Comments)	YES	NO

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT	N/A	Page 1 of 2	
1. Is impoundment designed and constructed in accordance with the approved plan?		X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?		X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?		X	

COMMENTS AND OTHER INFORMATION

Certification Statement:	I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.
[PE Cert. Stamp]	**By:** (Full Name and Title) **Signature:**  **Date:** 5-13-08 **P.E. Number & State:**

APPENDIX B

Reporting of Technical Data

Including monitoring data, reports, maps, and other information
As required under the approved plan or as required by the Division

In accordance with the requirement of R645-310-130 and R645-301-140

CONTENTS

Hiawatha Subsidence

Station	Northing	Easting	07 Elevation	08 Elevation	Change
H101	6976314	1761557	9,750.9	9,750.9	0.0
H102	6975423	1765581	9,483.2	9,483.2	0.0
H103	6979665	1766645	8,318.8	8,318.8	0.0
H104	6981393	1765812	9,455.8	9,455.8	0.0
H105	6981879	1764390	9,544.9	9,544.9	0.0
H106	6981585	1762677	9,668.8	9,668.8	0.0
H107	6983893	1762882	9,330.3	9,330.3	0.0
H108	6986308	1760176	9,838.2	9,838.2	0.0
H109	6988959	1764289	8,431.6	8,431.6	0.0
H110	6988963	1764287	8,440.0	8,440.0	0.0
H111	6991691	1759759	9,924.5	9,924.5	0.0
H112	6988722	1758519	10,111.6	10,111.6	0.0
H113	6985488	1760560	9,914.2	9,914.2	0.0
H114	6983838	1760705	9,885.8	9,885.8	0.0
H115	6981746	1760967	9,873.0	9,873.0	0.0
H116	6980685	1758694	9,880.8	9,880.8	0.0
H117	6980793	1760659	9,847.6	9,847.6	0.0
H118	6979289	1760544	9,831.3	9,831.3	0.0
H119	6978225	1759515	9,831.7	9,831.7	0.0
H120	6977775	1758804	9,842.0	9,842.0	0.0
H121	6976799	1758299	9,819.0	9,819.0	0.0
H122	6975964	1758025	9,814.2	9,814.2	0.0
H123	6977447	1762425	9,765.3	9,765.3	0.0

APPENDIX C

Legal Financial, Compliance and Related Information

Annual Report of Officers
As submitted to the Utah Department of Commerce

Other change in ownership and control information
As required under R645-301-110

CONTENTS

Utah Department of Commerce

Annual Business Renewal

Help

The following renewals will be updated in our system within seven days
Please print the following receipt for your records

Summary For:

Business Name: HIAWATHA COAL COMPANY, INC.
Entity Number: 1363607-0142
Business Renewed: 06/19/2008
Business Entity Information

Entity Number:	1363607-0142	**Renewal Fee:**	$12.00
Entity Name:	HIAWATHA COAL COMPANY, INC.	**Total Fee Paid:**	$12.00

RENEWED

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APPENDIX D

Mine Maps

As required under R645-302-525-270

CONTENTS

APPENDIX E

Other Information

In accordance with the requirements of R645-301 and R645-302

CONTENTS